

To: CN=Karen Schwinn/OU=R9/O=USEPA/C=US@EPA[]
Cc: []
From: CN=Tom Hagler/OU=R9/O=USEPA/C=US
Sent: Fri 1/6/2012 5:29:42 PM
Subject: Mike Jewell on the Concurrence
<http://per2.nwp.usace.army.mil/survey.html>
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>
<mailto:cenos@water.ca.gov>

He doesn't seem to have read the MOU either.

Tom Hagler
Assistant Regional Counsel
U.S. Environmental Protection Agency
Region 9
75 Hawthorne Street, RC-2
San Francisco, California 94105-3901
Phone: (415) 972-3945
Email: hagler.tom@epamail.epa.gov

-----Forwarded by Tom Hagler/R9/USEPA/US on 01/06/2012 09:28AM -----

To: "cenos@water.ca.gov" <cenos@water.ca.gov>
From: "Jewell, Michael S SPK" <Michael.S.Jewell@usace.army.mil>
Date: 01/06/2012 09:14AM
Cc: "dalehf@water.ca.gov" <dalehf@water.ca.gov>, "mebbin@emslp.com" <mebbin@emslp.com>, Erin
Foresman/R9/USEPA/US@EPA, "Robershotte, Paul J SPD" <Paul.J.Robershotte@usace.army.mil>,
"crothers@water.ca.gov" <crothers@water.ca.gov>, "mmmmorrow@water.ca.gov"
<mmmmorrow@water.ca.gov>, Tom Hagler/R9/USEPA/US@EPA, "Nepstad, Michael G SPK"
<Michael.G.Nepstad@usace.army.mil>
Subject: RE: Concurrence on 404 Purpose statements (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

Cassandra:

I'm not sure if Mike Nepstad had a chance to talk to you before he went on vacation but we'd like to concur "officially" on the purpose statements for CWA 404. Respectfully, we'd like a letter from you requesting our concurrence. The letter should be sent to:

COL William J Leady, Commander
US Army Corps of Engineers, Sacramento District
1325 J Street

Sacramento, CA 95814

Make sure to mention in your letter that you've been working with representatives of his Regulatory Division.

I know, I know... I'm sounding like a typical bureaucrat. But there are good reasons to do this officially. Once we get your letter, I promise we'll respond quickly. Thanks!

Michael S Jewell
Chief, Regulatory Division
US Army Corps of Engineers, Sacramento District

-----Original Message-----

From: Nepstad, Michael G SPK
Sent: Thursday, December 22, 2011 5:06 PM
To: Enos, Cassandra; Hagler.Tom@epamail.epa.gov
Cc: Hoffman-Floerke, Dale; Marc Ebbin; Foresman.Erin@epamail.epa.gov; Jewell, Michael S SPK; Robershotte, Paul J SPD; Crothers, Cathy; Morrow, Michelle M
Subject: RE: Concurrence on 404 Purpose statements (UNCLASSIFIED)

Classification: UNCLASSIFIED
Caveats: NONE

The Corps has reviewed the attached MOU Checkpoint A - Basic and Overall Purpose for the Entire BDCP, and hereby AGREES, in accordance with the draft Memorandum of Understanding on the Integration Process for the Bay Delta Conservation Plan, these statements are acceptable and consistent with USACE regulatory procedures under Section 404 of the Clean Water Act.

Basic and Overall Project Purpose Statement Pursuant to section 404 of the clean water act

Basic Purpose

The restoration and enhancement of ecological functions, including aquatic habitat restoration; and improvements to the water conveyance infrastructure and the supply and reliability of water deliveries conveyed.

Overall Project Purpose

To implement the Bay Delta Conservation Plan (BDCP), which has been designed to achieve the co-equal goals of providing for the conservation and management of aquatic and terrestrial species, including the restoration and enhancement of ecological functions in the Delta, and improving current water supplies and the reliability of delivery of water supplies conveyed

through the State Water Project (SWP) and the Central Valley Project (CVP). To accomplish these goals, the BDCP sets out a comprehensive, integrated conservation strategy that involves: 1) substantial modifications and improvements to SWP and CVP water conveyance facilities in the Delta and vicinity, including the potential addition of new points of diversion in the north Delta and other facilities to convey water around the Delta; 2) operational changes to the SWP and CVP; 3) extensive protection and restoration of physical habitat, including actions to expand the extent and quality of intertidal, floodplain and other aquatic habitats in the Delta and vicinity; and 4) actions to address other stressors that adversely affect covered species. The BDCP will achieve these goals in a manner that meets the requirements of applicable federal and state laws, including the Endangered Species and Clean Water acts, and in accord with the Sacramento-San Joaquin Delta Reform Act of 2009.

Michael G. Nepstad
Deputy Chief, Regulatory Division
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(916) 557-7262 Fax:(916) 930-9506
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* We want your feedback! Take the survey:
<http://per2.nwp.usace.army.mil/survey.html>

* Need information on the Regulatory Program? Visit our website:
<http://www.spk.usace.army.mil/organizations/cespk-co/regulatory/index.html>

* Facebook: www.facebook.com/sacramentodistrict

* YouTube: www.youtube.com/sacramentodistrict

* Twitter: www.twitter.com/USACESacramento

-----Original Message-----

From: Enos, Cassandra [mailto:cenos@water.ca.gov]
Sent: Thursday, December 22, 2011 1:59 PM
To: Hagler.Tom@epamail.epa.gov; Nepstad, Michael G SPK
Cc: Hoffman-Floerke, Dale; Marc Ebbin; Foresman.Erin@epamail.epa.gov;
Jewell, Michael S SPK; Robershotte, Paul J SPD; Crothers, Cathy; Morrow,
Michelle M
Subject: Concurrence on 404 Purpose statements

Mike and Tom - Thanks for meeting today to discuss the BDCP CWA 404 purpose statements. Attached (and below) is the final language we agreed upon at the meeting. Please provide an email concurrence that these purpose statements are acceptable to your respective agencies. If you have any questions I will be available today and tomorrow morning then off until December 28th.

Thank you and have a happy holiday! Cassandra

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Overall Project Purpose

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action 1 - water operations and conveyance Infrastructure

The proposed action is the implementation of the Water Operations and Conveyance Conservation Measures component of the Bay Delta Conservation Plan. The water operations and conveyance conservations measures are designed to allow greater flexibility in balancing the needs of the Sacramento-San Joaquin Delta estuary (Delta) with reliable water supply. Specifically, actions include modifications to the State Water Project and Central Valley Project conveyance facilities, including the addition of new

points of diversion in the north Delta, and other facilities to convey water around the Delta. These water conveyance measures will align water operations in the Delta to better reflect seasonal flow patterns, reduce the physical impact of a southern Delta diversion point, and protect fish with state of the art fish screens.

Cassandra Enos-Nobriga

Program Manager

Division of Environmental Services

901 P Street, Sacramento, CA 95814

(916) 651-2987

Classification: UNCLASSIFIED

Caveats: NONE

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Caveats: NONE